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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,877	09/01/2001	Carl A. Caroli	4	2788

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HARNESSE, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER

PHAN, HANH

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/944,877

Applicant(s)

CAROLI, CARL A.

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 04/08/2005.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Roorda et al (Pub. No.: US 2002/0186432 A1).

Regarding claim 1, referring to Figures 3A and 4, Roorda discloses a network element (i.e., node 20-1, Figs. 3A and 4) coupled to a plurality of optical transmission paths (i.e., optical transmission paths N, W, E, S, Figs. 3A and 4) via respective interfaces (see Figs. 3A and 4) wherein the optical transmission path carries a wavelength division multiplexed (WDM) signal having a plurality of optical channels, the network element (i.e., node 20-1, Figs. 3A and 4) comprising:

at each interface (i.e., interface 18, Fig. 4), an add/drop routing element (i.e., Access multiplexing 14 and Electro optics 25, Fig. 4) for receiving a WDM input signal, for selectively dropping individual optical channels from the WDM input signal at the

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network element, for selectively adding individual optical channels for transmission in a WDM output signal, the interface comprising a plurality of intra-node outputs for selectively routing individual optical channels (i.e., switch 10, Fig. 4) from the WDM input signal to any other interface for transmission in any of the plurality of optical transmission paths (see pages 4 and 5, paragraphs [0065]-[0071]).

Regarding claim 2, Roorda further teaches the add/drop routing element includes:

an optical distributor portion (i.e., Access Multiplexing and switching 14 and Electro optics 11, Fig. 4) adapted for receiving the WDM input signal, for dropping selected optical channels from the WDM input signal, and for selectively routing remaining optical channels to one of the other interfaces; and

an optical combiner portion (i.e., Access Multiplexing and switchinh 14 and Electro optics 11, Fig. 4) adapted for adding individual optical channels to the WDM output signal and further adapted for receiving and combining optical channels supplied from one or more other add/drop routing elements associated with other interfaces with the individual optical channels being added to generate the WDM output signal .

Regarding claim 3, Roorda further teaches the individual optical channels are capable of being selectively routed among any of the plurality of optical transmission paths via the respective interfaces (Fig. 4).

Regarding claim 4, Roorda further teaches the optical distributor portion includes an optical demultiplexer operable to separate individual optical channels in the WDM input signal so that selected optical channels can be dropped from the WDM input

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signal and so that individual optical channels not being dropped can be routed to one or more interfaces associated with each of the other plurality of optical transmission paths (see Fig. 4).

Regarding claim 5, Roorda further teaches the optical combiner portion includes an optical multiplexer operable to selectively add individual optical channels at a respective interface; and an optical combiner for combining the optical channels being added at the respective interface with optical channels supplied from the one or more other add/drop routing elements associated with the other interfaces (see Fig. 4).

Regarding claims 6 and 7, referring to Figures 3A and 4, Roorda discloses a method of selectively routing individual optical channels of a wavelength division multiplexed (WDM) signal at a node (i.e., node 20-1, Figs. 3A and 4) having a plurality of optical interfaces each coupled to a respective optical transmission path (i.e., optical transmission paths N, W, E, S, Fig. 4), the method comprising:

receiving a WDM input signal (Fig. 4) at a first optical interface ;

selectively dropping (i.e., Access Multiplexing and switching 14 and Electro optics 11, Fig. 4) individual optical channels from the WDM input signal at the first optical interface;

selectively routing individual optical channels (i.e., switch 10, Fig. 4) not being dropped at the first optical interface over a plurality of intra-node transmission paths to one or more of the other of the plurality of optical interfaces via a respective intra-node optical transmission path ; and

combining (i.e., Access Multiplexing and switching 14 and Electro optics 11, Fig. 4) individual optical channels being added to the WDM input signal at the first optical interface with optical channels received from the other of the plurality of optical interfaces via the respective intra-node optical transmission paths for transmission as a WDM output signal from the node,

wherein individual optical channels are capable of being selectively routed among the plurality of optical transmission paths via the plurality of optical interfaces (see pages 4 and 5, paragraphs [0065]-[0071]).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on (571)272-3078. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**